

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IVETTE CLARKE,

Plaintiff,

against

ANDREW M. SAUL, Commissioner of Social
Security,

Defendant.

CIVIL ACTION NO.: 20 Civ. 2377 (LGS) (SLC)

OPINION & ORDER

SARAH L. CAVE, United States Magistrate Judge.

I. INTRODUCTION

On March 18, 2020, Plaintiff Ivette Clarke commenced this action against the Commissioner of Social Security, Andrew M. Saul (the “Commissioner”), for a review of the Commissioner’s denial of Clarke’s claim for Supplemental Security Income under the Social Security Act. (ECF No. 1). On March 19, 2020, Clarke moved for leave to proceed in forma pauperis. (ECF No. 4). On March 23, 2020, this case was referred to the undersigned for a Report and Recommendation on any motion for judgment on the pleadings and related matters. (ECF No. 7). For the reasons set forth below, Clarke’s application to proceed in forma pauperis is GRANTED.

II. DISCUSSION

“The decision of whether to grant a request to proceed in forma pauperis is left to the District Court’s discretion under 28 U.S.C. § 1915.” Burda Media Inc. v. Blumenberg, 731 F. Supp. 2d 321, 322 (S.D.N.Y. 2010). A court “may authorize the commencement” of a civil action “without prepayment of fees or security therefor, by a person who submits an affidavit” stating all assets they possess and their inability to “pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1); Petty v. Astrue, No. 12 Civ. 1644 (LTS) (RLE), 2012 WL 6101854, at *1 (S.D.N.Y. Dec. 5, 2012); Davila v. Doar, No. 07 Civ. 5767 (SHS) (DF), 2008 WL 4695004, at *2 (S.D.N.Y. Oct. 22, 2008).

Clarke’s affidavit provides, under penalty of perjury, that she is not employed, has no assets, has no money in a bank account, and pays a portion of her rent through government assistance while her children pay the remainder. (ECF No. 4-2). The Court finds that Clarke’s affidavit establishes her inability to pay for the prosecution of her case. Accordingly, her application to proceed in forma pauperis is GRANTED.

III. CONCLUSION

Clarke’s application to proceed in forma pauperis is GRANTED.

Dated: New York, New York
April 20, 2020


SARAH L. CAVE
United States Magistrate Judge